

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

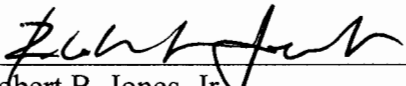
NO. 5:14-CR-106-H-1

UNITED STATES OF AMERICA)
)
) ORDER
)
ROBERT ZACKARY LULL,)

This matter came before the court today for a hearing on the competency of Defendant Robert Zackary Lull (“Defendant”) to determine whether Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, in accordance with 18 U.S.C. §§ 4142 and 4247(d). At the hearing the government was represented by Assistant United States Attorney Sebastian Kielmanovich and Defendant, who was present in the courtroom, was represented by Joseph Zeszotarski. The court advised Defendant of his rights under 18 U.S.C. § 4247(d). The government then offered into evidence the Forensic Evaluation dated July 29, 2014, and filed August 7, 2014, which was prepared by Rebecca Barnette, Psy.D., of the Federal Correctional Institution-Butner, pursuant to an order entered June 2, 2014. According to the Forensic Evaluation, Defendant has been diagnosed with a depressive disorder, substance abuse disorders and an attentional disorder, but that despite these disorders, Defendant is able to understand the nature and consequences of the proceedings against him and assist properly in his defense. The court admitted the Forensic Evaluation into evidence for the limited purpose of the hearing without objection. The government offered no further evidence. Defendant offered the report of James H. Hilkey, Ph.D., which was largely in accordance with the findings of Dr. Barnette, as related to the issue of Defendant’s competency. Defendant did not contest the findings of the Forensic Evaluation offered by the government.

After consideration of the position of the parties and the Forensic Evaluation, the court does not find by a preponderance of the evidence, pursuant to 18 U.S.C. § 4141(d), that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

So ordered, the 19th day of August 2014.



Robert B. Jones, Jr.
United States Magistrate Judge